

REMARKS**I. General**

The only issue outstanding in the present application is that claims 1 through 15 and 17 through 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Arbel et al.*, U.S. Patent No. 5,276,731 (hereinafter, *Arbel*). Applicant respectfully traverses this rejection.

II. Rejections under 35 U.S.C. §102(b)

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. §102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. §2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. §102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. §2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy at least these requirements.

A. Independent Claim 1

Applicant respectfully asserts that the “time and date conditions” of *Arbel* (column 13, line 4) do not meet the recited “calendar information” of independent claim 1. *Webster’s Encyclopedic Unabridged Dictionary* defines “calendar” as “3. A list or register, esp. one arranged chronologically, as of appointments, work to be done, or cases to be tried in a court”, 1996, p. 296, a copy of which is attached hereto as Exhibit 1. Consistent with this definition, the present specification teaches that a preferred embodiment of the invention uses a calendar stored on a personal computer or personal digital assistant showing specific events scheduled for a particular day by a user, see page 9, lines 24-26.

In addressing this aspect of the claims, the current Office Action relies upon database 360. However, in contrast to the recited calendar information of claim 1, *Arbel* recites the use of “predetermined selection criteria” such as “call origination information, call origination information with wildcards, time, day, date, or a combination of the above

factors” (column 5, line 8). Applicant respectfully asserts that the time, day and date information of *Arbel*, cited by the current Office Action, does not meet the recited “calendar information with respect to said called party” The time, day and date information of *Arbel* only defines “predetermined selection criteria” for routing calls (column 5, line 7), as highlighted in the table shown at line 20 of column 10 which only shows times, days and call transfer numbers. This “predetermined selection criteria” does not comprise calendar information with respect to a called party in accordance with the customary and ordinary meaning of the word calendar. For at least these reasons Applicant contends that the “calendar information” recited by claim 1 is not taught by *Arbel*.

Claim 1 also recites “means for providing select portions of said calendar information to an automatic call routing system”. For a better understanding of the identified claim language, the Examiner’s attention is directed to the specification at page 9, lines 24-26, wherein a personal computer or personal digital assistant is taught to store a personal calendar which may include a schedule of specific events for user for a particular day. A preferred embodiment of the present invention is taught to extract specific information from the calendar information with respect to events scheduled for the user to present information to an automatic call routing system, page 10, lines 4-10. Parameters of the call routing system are modified to ensure the call routing applications route calls according to the provided information, page 10, lines 25-27.

Arbel only teaches that “Specifically, a user sends a message to system 140 that information is to be added, deleted, or changed in database 360 pertaining to sending messages, screening, or re-routing calls by interacting with IVDT 130” (column 10, line 44. Accordingly, *Arbel* fails to disclose “providing select portions of calendar information [stored on a general purpose processor based system] to an automatic call routing system” as recited in claim 1. *Arbel* only teaches a user sending a message to change information concerning call routing, not portions of a calendar.

Furthermore, the Office Action relies on “database 360” as teaching a general purpose processor system and “system 140” as teaching an automatic call routing system. However as shown in FIGURE 3 of *Arbel* database 360 is a part of system 140. Therefore, *Arbel* cannot teach the claimed “providing select portions” as system 140 already contains the “predetermined selection criteria” in its component database 360. Further, if IVDT 130 were

considered to be an automatic call routing system, *Arbel* fails to teach providing “select portions of calendaring information” to IVDT 130. The “predetermined selection criteria” of *Arbel* are never provided to IVDT 130. System 140 only directs IVDT 130 to route calls in accordance with the “predetermined selection criteria”, as discussed in greater detail below.

Finally, *Arbel* fails to disclose “a call routing scheme... modified to route calls as a function of said select portions of said calendaring information”. In contrast, *Arbel* uses the “predetermined selection criteria” to determine operation of the call routing system.

Specifically, at column 12, line 7 *Arbel* provides:

“In particular, when an incoming call is received by IVDT 130...Controller 370 interrogates database 360 using the call origination information as a retrieval key. Then, controller 370 compares the call origination information with the predetermined selection criteria which are stored in the database to determine the proper course of action, *i.e.*, to determine whether to provide a message, to accept or block the call, or to re-route the call.”

There is no disclosure in *Arbel* of the claimed modification to the call routing system as a function of a portion calendaring information. The “predetermined selection criteria” of *Arbel* are retrieved in response to an incoming call based on the caller’s number. Then *Arbel* uses the “predetermined selection criteria” to route a call. *Arbel* does not use portions of a user’s calendar to modify a call routine scheme of a call router. For at least these reasons Applicant contends that the “call routing scheme... modified to route calls as a function of said select portions of said calendaring information” recited by claim 1 is not taught by *Arbel*.

Accordingly, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claim 1 as required for a proper rejection under 35 U.S.C. §102. Furthermore, whereas claims 2 through 7 ultimately depend from base claim 1, and thus each inherit all limitations of claim 1, claims 2 through 7 set forth features and limitations not recited by *Arbel*. Thus, Applicant respectfully asserts that at least for the above-advanced reasons claims 1 through 7 are patentable over the 35 U.S.C. §102 rejection of record.

B. Independent Claim 8

Similar to claim 1, claim 8 recites “calendar information”; and “providing select portions of said calendar information to an automatic call routing system, wherein a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendar information”. As discussed above with respect to claim 1, *Arbel* fails to disclose these limitations.

As pointed out above with respect to independent claim 1, the “predetermined selection criteria”, such as time, day and date information, does not meet “calendar information” such as recited in claim 8. Also as discussed above, *Arbel* fails to disclose providing portions of the calendar information stored on a general purpose processor based system to the call routing system or managing operation of the call routing system as a function of the portions of the calendar information. *Arbel* only provides for direct entry of all of the “predetermined selection criteria” by a user. At column 10, line 44 *Arbel* states: “Specifically, a user sends a message to system 140 that information is to be added, deleted, or changed in database 360 pertaining to sending messages, screening, or re-routing calls by interacting with IVDT 130.”

Additionally, independent claim 8 recites “storing calendar information including specific events scheduled with respect to said called party ...” (Emphasis added.) The current Office Action fails to address the emphasized element. Accordingly, the 35 U.S.C. §102 rejection of record of claim 8, and the rejection of claims 9 through 14 ultimately depending therefrom, is improper.

Regardless, Applicant respectfully asserts that the “predetermined selection criteria” of *Arbel* does not meet this element of claim 8. *Arbel* fails to disclose storing of specific events. Particularly, as discussed above with respect to claim 1, the “predetermined selection criteria” of *Arbel*, such as “call origination information, call origination information with wildcards, time, day, date, or a combination of the above factors” (column 5, line 8), does not meet the recited “calendar information”, much less the inclusion of specific events in such calendar information. The time, day and date information of *Arbel* only defines “predetermined selection criteria” for routing calls (column 5, line 7), as highlighted in the table shown at line 20 of column 10 which only shows times, days and call transfer numbers.

Accordingly, it is respectfully asserted that the rejection under 35 U.S.C. §102 of claim 8 is incomplete, and thus improper. Furthermore, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claim 8, as required for a proper rejection under 35 U.S.C. §102. Furthermore, whereas claims 9 through 14 ultimately depend from base claim 8, and thus each inherit all limitations of claim 8, claims 9 through 14 set forth features and limitations not recited by *Arbel*. Thus, Applicant respectfully asserts that at least for the above-advanced reasons claims 8 through 14 are patentable over the 35 U.S.C. §102 rejection of record.

C. Independent Claim 15

Claim 15 recites “calendaring information with respect to said called party stored in a data format operable with a processor-based system, wherein said calendaring information comprises a data file associated with a electronic calendar program operable on a personal computer”. As pointed out above with respect to independent claims 1 and 8, the “predetermined selection criteria”, such as time, day and date information, does not meet “calendaring information” such as recited in claim 15.

Also as discussed above, *Arbel* fails to disclose providing portions of the calendaring information stored on a general purpose processor bases system to the call routing system or managing operation of the call routing system as a function of the portions of the calendaring information. *Arbel* only provides for direct entry of all of the “predetermined selection criteria” by a user. At column 10, line 44 *Arbel* states: “Specifically, a user sends a message to system 140 that information is to be added, deleted, or changed in database 360 pertaining to sending messages, screening, or re-routing calls by interacting with IVDT 130.”

Furthermore, *Arbel* is silent as to a “data file” associated with an “electronic calendar program” or the like. The Office Action fails to specifically address this element. Thus, the 35 U.S.C. §102 rejection of record of claim 15, and the rejection of claims 17 through 20 ultimately depending therefrom, is improper.

Accordingly, it is respectfully asserted that the rejection under 35 U.S.C. §102 of claim 15 is incomplete, and thus improper. Furthermore, it is respectfully asserted that the

disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claim 15 as required for a proper rejection under 35 U.S.C. §102. Furthermore, whereas claims 17 through 20 ultimately depend from base claim 15, and thus each inherit all limitations of claim 15, claims 17 through 20 set forth features and limitations not recited by *Arbel*. Thus, Applicant respectfully asserts that at least for the above-advanced reasons claims 15 and 17 through 20 are patentable over the 35 U.S.C. §102 rejection of record.

D. Dependent Claims 2 and 9

Dependent claims 2 and 9 stand rejected under 35 U.S.C. §102 over *Arbel*. As shown above, base claims 1 and 8, from which claims 2 and 9 respectively depend, recite limitations neither taught nor suggested by the disclosure of *Arbel*. Accordingly, it is respectfully submitted that dependent claims 2 and 9 are each separately allowable at least for their dependency from their respective independent base claims for the separate reasons discussed above.

Moreover, dependent claims 2 and 9 recite limitations not found in the applied art, namely, the “calendar information comprises a data file associated with an electronic calendar program operable on a personal computer”. The Office Action fails to specifically address this element. Furthermore, as discussed above in relation to claim 15, *Arbel* is silent as to a “data file” associated with an electronic “calendar program” or the like. Accordingly, it is respectfully asserted that the anticipation rejections of claims 2 and 9 are improper and that claims 2 and 9 are not anticipated by *Arbel*, as *Arbel* fails to disclose a “data file” associated with an electronic “calendar program”. Therefore, Applicant respectfully asserts that at least for the above-advanced reasons claims 2 and 9 are patentable over the 35 U.S.C. §102 rejection of record.

E. Dependent Claims 3, 10 and 17

Dependent claims 3, 10 and 17 stand rejected under 35 U.S.C. §102 over *Arbel*. As shown above, the base claims from which each of these claims depend recite limitations neither taught nor suggested by the disclosure of *Arbel*. Dependent claim 3 depends directly from claim 1. Claim 10 depends directly from claim 8. Claim 17 depends directly from

claim 15. Accordingly, it is respectfully submitted that dependent claims 3, 10 and 17 are each separately allowable at least for their dependency from their respective independent base claims for the separate reasons discussed above in respect to independent claims 1, 8 and 15.

Furthermore, claims 3, 10 and 17 recite limitations for providing the select portions of the calendaring information to the call routing system automatically. *Arbel* does not teach the automatic provision of calendaring information to a call routing system as recited in claims 3, 10 and 17. For example, the portion of *Arbel* relied upon by the current Office Action in meeting these claims teaches, in part that:

“In particular, when an incoming call is received by IVDT 130...Controller 370 interrogates database 360 using the call origination information as a retrieval key. Then, controller 370 compares the call origination information with the predetermined selection criteria which are stored in the database to determine the proper course of action, *i.e.*, to determine whether to provide a message, to accept or block the call, or to re-route the call.”

Thus, *Arbel* fails to disclose any sort of automatic provisioning of calendar information. The “predetermined selection criteria” of *Arbel* are retrieved in response to an incoming call based on the caller’s number. For at least these reasons Applicant contends that the limitations recited by claims 3, 10 and 17 for providing the select portions of the calendaring information to the call routing system automatically are not taught by *Arbel*.

Additionally, claims 4 and 5 depend directly from claim 3; claims 11 and 12 depend directly from claim 10; and claims 18 and 19 depend directly from claim 17. Thus, each of claims, 4, 5, 11, 12, 18 and 19, separately inherits all limitations of its respective base claims. Thus, claims 4, 5, 11, 12, 18 and 19 separately set forth features and limitations not recited by *Arbel*. Thus, Applicant respectfully asserts that at least for the reasons advanced above claims 3, 4, 5, 10, 11, 12, 18 and 19 are patentable over the 35 U.S.C. §102 rejections of record.

F. Dependent Claims 4, 11 and 18

Dependent claims 4, 11 and 18 stand rejected under 35 U.S.C. §102 over *Arbel*. As shown above, each of the independent claims, claims 1, 8 and 15, from which each of these claims ultimately respectively depend recite limitations neither taught nor suggested by the disclosure of *Arbel*. Furthermore, as discussed above, claim 4 depends directly from claim 3,

claim 11 depends directly from claim 10 and claim 18 depends directly from claim 17. Claims 3, 10 and 17 have been shown immediately above to independently have limitations not taught by *Arbel*. Accordingly, it is respectfully submitted that dependent claims 4, 11 and 18 are each separately allowable at least for their dependency from their respective base claims, for the reasons discussed above.

In part claim 4 recites “automatic operation of said providing means is initiated upon modification of said calendaring information stored on said general purpose processor-based system”. Claims 11 and 18 define similar limitations. On page 4 of the current Office Action, in its rejection of claim 4, which is relied upon in rejecting claims 11 and 18 as well, the Office Action provides that *Arbel* teaches automatic operation of the database is initiated upon modification of the information stored on the database. Applicant finds this rejection unpersuasive. The logic used by the Office Action appears to be circular in nature and the Office Action fails to point out how *Arbel* teaches “automatic operation” or initiation of such automatic operation upon modification of calendaring information. In any event, Applicant respectfully contends that these limitations are not taught by *Arbel*. As discussed above in relation to claims 1, 8 and 15, *Arbel* uses directly entered “predetermined selection criteria” to define operation of the call routing system, and there is no disclosure in *Arbel* of initiating automatic provision of select portions of the calendaring information to the call routing system, much less for such provisioning to occur upon modification of the calendaring information.

Accordingly, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claims 4, 11 and 18 as required for a proper rejection under 35 U.S.C. §102. Thus, Applicant respectfully asserts that at least for the above-advanced reasons claims 4, 11 and 18 are patentable over the 35 U.S.C. §102 rejection of record.

G. Dependent Claims 5, 12 and 19

Dependent claims 5, 12 and 19 stand rejected under 35 U.S.C. §102 over *Arbel*. As shown above, the independent claims from which each of these claims ultimately depend, claims 1, 8 and 15, respectively, recite limitations neither taught nor suggested by the disclosure of *Arbel*. Additionally, Dependent claim 5 depends directly from claim 3; claim

12 depends directly from claim 10 and claim 19 depends directly from claim 17. Claims 3, 10 and 17 have been shown above to separately have limitations not taught by *Arbel*. Accordingly, it is respectfully submitted that the dependent claims are separately allowable at least for their dependency from their respective base claims for the reasons discussed above.

Moreover, claims 5, 12 and 19 recite the aforementioned automatic providing being “initiated at a preselected time interval.” This limitation is not taught by *Arbel*. *Arbel* provides at column 10, line 44 “Specifically, a user sends a message to system 140 that information is to be added, deleted, or changed in database 360 pertaining to sending messages, screening, or re-routing calls by interacting with IVDT 130”. At column 12, line 14, *Arbel* provides “then, controller 370 compares the call origination information with the predetermined selection criteria which are stored in the database to determine the proper course of action, *i.e.*, to determine whether to provide a message, to accept or block the call, or to re-route the call”. Thus, there is no disclosure in *Arbel* of initiating provision of select portions of the calendaring information to the call routing system automatically, much less for such provisioning to occur at a preselected time interval.

Accordingly, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claims 5, 12 and 19 as required for a proper rejection under 35 U.S.C. §102. Thus, Applicant respectfully asserts that at least for the above-advanced reasons claims 5, 12 and 19 are patentable over the 35 U.S.C. §102 rejection of record.

H. Dependent Claims 6, 13 and 20

Dependent claims 6, 13 and 20 stand rejected under 35 U.S.C. §102 over *Arbel*. Dependent claim 6 depends directly from claim 1; claim 13 depends directly from claim 8; and claim 20 depends directly from claim 15. As shown above, the independent base claims from which these claims depend each separately recite limitations neither taught nor suggested by the disclosure of *Arbel*. Accordingly, it is respectfully submitted that these dependent claims are each separately allowable at least for their dependency from their respective independent base claims for the reasons discussed above in relation to independent claims 1, 8 and 15.

Claims 6, 13 and 20 recite limitations concerning gleaning the select portions of the calendaring information from a data file and manipulating the gleaned information to provide the calendaring information in a format suitable for augmentation into call routing information of the call routing system. In rejecting these claims the current Office Action fails to point out where *Arbel* teaches any sort of gleaning. Thus the rejection of claims 6, 13 and 20 is improper. Regardless, *Arbel* only teaches the use of the “predetermined selection criteria” to determine a course of action (column 12, line 14). *Arbel* is silent as to any gleaning of information. To address the “manipulating” limitation of claims 6, 13 and 20 the Office Action cites “computer keyboard or telephone dialpad of the “IVDT 130” associated with the user. These components are clearly indicated as means for entering the “predetermined selection criteria” in *Arbel*.

Therefore, *Arbel* fails to teach gleaning or manipulating calendar information for use by a call routing system, much less gleaning and manipulating calendar information for use by a call routing system. Accordingly, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claims 5, 12 and 19 as required for a proper rejection under 35 U.S.C. §102. Furthermore, whereas claim 7 depends directly from claim 6, and claim 14 depends directly from claim 13, claims 7 and 14 each separately inherits all limitations of its respective base claim. Thus claims 7 and 14 separately set forth features and limitations not recited by *Arbel*. Thus, Applicant respectfully asserts that at least for these reasons claims 6, 7, 13, 14 and 20 are patentable over the 35 U.S.C. §102 rejections of record.

I. Dependent Claims 7 and 14

Dependent claims 7 and 14 stand rejected under 35 U.S.C. §102 over *Arbel*. As shown above, the independent claims from which these claims ultimately depend, claims 1 and 8, respectively, recite limitations neither taught nor suggested by the disclosure of *Arbel*. Additionally, claim 7 depends directly from claim 6, and claim 14 depends directly from claim 13, which have been shown immediately above to separately have limitations not taught by *Arbel*. Accordingly, it is respectfully submitted that claims 7 and 14 are separately allowable at least for their dependency from their respective base claims for the reasons discussed above.

Claims 7 and 14 recite “disseminating at least a portion of said calendaring information through said call routing system, wherein said disseminated calendaring information results in a humanly perceptible reproduction of said at least a portion of said calendaring information”. This limitation is not taught by *Arbel*. In its rejection of claims 7 and 14 the Office Action states:

“Arbel et al. further teach the providing means further comprises means for selectively disseminating (deleting or changing) at least a portion of said calendaring information (time of day and certain dates) through said call routing system (“SYSTEM 140”) wherein said disseminated calendaring information (deleting or changing time of day and dates) results in a humanly (user associated with the “IVDT 130”) perceptible reproduction (user of said at least a portion of said calendaring information (column 10, lines 41-68))”.

Applicant finds this rejection unparsable. The portion of *Arbel* cited by the Office Action relates to adding, changing, or deleting “predetermined selection criteria” and is silent as to disseminating information. Further, a search of *Arbel* fails to disclose any sort of dissemination of the “predetermined selection criteria” or any other data.

The recitation of the Office Action does not meet the limitations of base claims 6 and 13, much less disseminating a portion of the calendaring information through said call routing system in a humanly perceptible reproduction of the calendaring information as claimed in claims 7 and 14. Accordingly, it is respectfully asserted that the disclosure of *Arbel* does not meet the claim language and does not show the identical invention in as complete of detail as recited in claims 7 and 14 as required for a proper rejection under 35 U.S.C. §102. Thus, Applicant respectfully asserts that at least for these reasons claims 7 and 14 are patentable over the 35 U.S.C. §102 rejections of record.

III. Conclusion

For all the reasons given above, Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. §102. Accordingly, Applicant submits that this application is in full condition for allowance and the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P069D2/10015700 from which the undersigned is authorized to draw.

Dated: February 18, 2003

Respectfully submitted,

By 

Jerry L. Mahurin

Registration No.: 34,661

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8000

(214) 855-8200 (Fax)

Attorneys for Applicant